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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/088,057 | 03/13/2002 | Fong Fatt Chee | 1126.P001US/HCH/dcm | 6716 |

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EXAMINER

SMITH, JEFFREY A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Office Action Summary

Application No.

10/088,057

Applicant(s)

CHEE, FONG FATT

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Status of the Preliminary Amendment received July 16, 2002

This supplemental Office Action takes into consideration the Preliminary Amendment received by the USPTO on July 16, 2002. The previous Office Action mailed December 23, 2002 is herein vacated because it failed to consider such Preliminary Amendment. A shortened statutory period for reply to this Office Action is set to expire 3 MONTHS from the mailing date of this communication. Extensions of time may be available under the provisions of 37 CFR 1.136(a).

Reference Citations and Copies Previously Provided

The references relied upon in this Office Action have been provided in the Office Action mailed December 23, 2002 and copies of which are not being provided in this Office Action. Applicant's attention is directed to PTO-892 (Paper 3) which provides a listing of cited references.

Drawings

The drawings filed on 13 March 2002 are approved.

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Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (U.S. Patent No. 6,426,699) in view of Tsukuda (U.S. Patent No. 6,085,170).

Porter '699 discloses a system and method for facilitating a delivery or pick-up of goods to and from a customer (col. 1, lines 13-18).

Porter '699 discloses that a person shopping on a website may place and order for a good and have that good delivered to a

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locker module (col. 6, lines 1-13). Vendors, delivery agents, and customers are all registered with the Porter system (note: "vendor codes", "employee codes", and "homeowner codes" at col. 5, lines 60-63). The system controller makes a reservation for the locker unit by using temporary vendor codes (col. 4, lines 27-29) or by using codes with identify a particular transaction (col. 4, lines 35-37). A delivery of said good is made to the locker unit and the customer is contacted of the completion of said delivery so that the customer may pick up the delivered good (col. 4, lines 1-4). The system employs a system controller which communicably connects a customer's PC, a vendor's PC, and a delivery agent's PC together (col. 4, lines 56-65; col. 5, lines 13-21). The Porter '699 system and method employs a smart-card reader (col. 3, lines 61-67). Porter '699 discloses that the system controller is further adapted to enable the registered parties to obtain status, including a delivery record of a particular delivery person and transaction details (col. 6, lines 1-18) of said delivery or said pickup. The system controller is also adapted to allow special access to said locker unit by the registered parties in the event a wrong delivery or wrong item is placed into said unit. This ability is present in the fact that the system controller can accept changed or new codes from either of the vendor or homeowner

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(col. 5, lines 60-67)—thus, allowing the unit to be re-accessed in the event that a wrong delivery or a wrong item is placed into said unit.

Porter '699 does not disclose a plurality of locker modules. Moreover, Porter '699 does not disclose that said system controller is adapted to facilitate leasing of the locker unit by registered parties.

Tsukuda, however, in a similar system and method (col. 1, line 66-col. 2, line 2) teaches the provision of a plurality of locker units (col. 9, lines 38-43). Tsukuda likens such units to "a coin operated locker or storage in the shape which is provided in a station, etc" (col. 9, line 40-43). Tsukuda further teaches that the system contains a "list of distributors" (such as shown in Fig. 17) and discusses a step of checking the list to determine if a particular distributor is in the list or not. Tsukuda refers to those distributors on the list as being "registered" for permissible use (see col. 10, lines 13-21). Tsukuda additionally teaches the use of a "contract code" which is associated with, among other things, the purchased goods, the distributor, and the purchaser (see Fig. 9). It is clear that the customer and the delivery agent (whether the agent be the vendor himself or a contracted third-party delivery agent) is registered or registerable in the

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manner taught by Tsukuda. That is, by virtue of the contract which is identified by the contract code, all parties of interest in the complete delivery/pickup process must be authenticated through comparison to a list or registry in order to access the unit in order to foil impermissible use or "trick" of his system (as per col. 10, lines 16-18). In this way, Tsukuda teaches the system's adaptation to facilitate leasing of the locker units by registered parties including customer, vendor and a delivery agent for delivery or pickup of a goods .

It would have been obvious to one of ordinary skill in the art to have provided the method and system of Porter '699 to have included a plurality of locker units of the type taught by Tsukuda and to have provided the system controller of Porter '699 to have included adaptation to facilitate leasing of said locker units by registered parties (as taught by Tsukuda) in order to have permitted a plurality of customers and vendors to have relied upon an independently administered system of locker units that provides secure delivery/pickup service through the insurance that only contracted parties interested in the delivery/pickup of a particular good are permitted access to the designated locker unit.

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (U.S. Patent No. 6,426,699 B1) and Tsukuda (U.S. Patent No. 6,085,170) as applied to claim 6 above, and further in view of Official Notice regarding lease renewal.

The combination of Porter '699 and Tsukuda discussed above does not provide the step of renewing a lease period for the locker unit after the lease period runs out.

The Examiner takes Official Notice that it is notoriously well-known that leased items of the type taught especially by Tsukuda carry with them an agreed upon lease length or term. For example, it is customary that an individual leasing or renting a post office box either through the official post office or through an authorized agent (such as the company "MAIL BOXES ETC") would agree to lease a box for a finite period of time. At the expiration of such period the individual would be offered the option of renewing the lease in order to maintain service at the box.

It would have been obvious to one of ordinary skill in the art to have provided the combined method of Porter '699 and Tsukuda to have included a lease renewal step, as Officially Noticed, in order to have permitted a lessee the ability to have maintained service at the locker unit.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references were cited in the Office Action mailed December 23, 2002 and are repeated here for Applicant's convenience.

Porter (U.S. Patent No. 5,774,053) is incorporated by reference in U.S. Patent No. 6,426,699 (Porter '699).

Hardgrave et al. (U.S. Patent No. 6,010,239) discloses an automatic item-driven system for deposit and pick-up.

Tsukuda (U.S. Patent No. 6,085,170) discloses a delivery managing system (see col. 1, line 65-col. 2, line 5).

Sone (U.S. Patent No. 6,204,763 B1) discloses a household consumable item automatic replenishment system refrigerator.

Stephens et al. (U.S. Patent No. 6,323,782 B1) discloses an unattended item delivery system (see Figs. 3 and 4).

Lateo (WO 97/43935) discloses a locking mail box which includes a communications module which is actuated to transmit a signal when the deposit of mail or other articles is sensed (page 4, lines 8-10).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey

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A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas
March 12, 2003